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(HL)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/837,640	04/22/97	ZIKRIA R	

HM12/0602

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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 10
Date mailed
6/2/99

Application Number: 08/837,840
Filing Date: April 22, 1999
Appellant(s): Zikria et al.

Evelyn M. Sommer
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed April 5, 1999.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The examiner agrees that the claims stand or fall together.

(8) Claims Appealed

The copy of the appealed claims 1 - 20 contained in the Appendix to the brief is correct.

(9) Prior Art of Record

1. 4,994,444 ZIKRIA February 19, 1991

2. Weiss, Stephen J., Journal of Biological Chemistry, Vol. 255, No. 20, pages 9912 - 9917, 1980.

3. Chemical Abstract No. 99: 47701p, page 34, 1983; Gerdin et al., Int. J. of Clin. Exp., Vol. 2, No. 1, pages 39 - 46, 1983.

4. EMBase Abstract No. 8418469; Munkres et al., Age, Vol. 7, No. 2, pages 30 - 35, 1984.

(10) Grounds of Rejection

Claims 1 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZIKRIA (4,994,444) in view of WEISS, MUNKRES, and GERDIN.

Claims 1 - 19 are directed to a method of treating a human subject to prevent leakage of serum proteins from capillary endothelial junctions during a period of increased capillary permeability comprising administering to said subject an effective amount of a composition comprising hydroxyethyl starch and one or more antioxidants selected from the group consisting of vitamin C, glutathione peroxidase, catalase, hydroxyethylrutoside, superoxide dismutase, and cyclic adenosine monophosphate. Claim 20 is directed to a composition comprising hydroxyethyl starch and at least one antioxidant that is used in the aforementioned method claims.

ZIKRIA discloses the use of hydroxyethyl starch and hydroxyethyl dextran as a means for treating human subjects to prevent leakage of serum proteins from capillary endothelial junctions (See abstract, columns 1 - 2 and claims 1 - 12). ZIKRIA also teaches the use of a pharmaceutically acceptable liquid carrier comprising the hydroxyethyl starch along with normal saline (0.9%), 5% dextrose, or Ringer's lactate (column 2, lines 9 - 13). ZIKRIA does not teach the use of any antioxidant along with the hydroxyethyl starch.

However, WEISS teaches that exogenous superoxide dismutase can protect human blood cells from the oxidative damage of superoxide anion produced by neutrophils. This reference further teaches that catalase and glutathione peroxidase are enzymes which can